

**ASSEMBLY BILL**

**No. 573**

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**Introduced by Assembly Member Portantino  
(Coauthors: Assembly Members Conway and Fletcher)**

February 25, 2009

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An act to add Section 8924.5 to the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 573, as introduced, Portantino. California Council on Science and Technology: legislative fellows.

Existing law, commonly known as the Code of Ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances.

This bill would clarify that the services of a legislative fellow furnished by the California Council on Science and Technology and duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules is not compensation, a reward, or a gift to a Member of the Legislature for purposes of the so-called Code of Ethics. The bill would also provide that such a legislative fellow is not an employee of either house of the Legislature for purposes of the Code of Ethics and is not otherwise subject to the provisions of the Code of Ethics.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3     (a) In 1988, the Legislature adopted Assembly Concurrent  
4 Resolution No. 162 (Resolution Chapter 148 of the Statutes of  
5 1988) in which the Legislature requested the President of the  
6 University of California, in collaboration with the presidents of  
7 the University of Southern California, the California Institute of  
8 Technology, and Stanford University and the Chancellor of the  
9 California State University, to establish, within one year, the  
10 California Council on Science and Technology for the purpose of  
11 reporting to the presidents and the chancellor and responding  
12 appropriately to the Governor, the Legislature, and other relevant  
13 entities on public policy issues significantly related to science and  
14 technology.
- 15     (b) In response, the council was organized as a nonprofit  
16 corporation pursuant to Section 501(c)(3) of the Internal Revenue  
17 Code and has operated for 20 years providing expert, nonpartisan  
18 advice to various agencies of state government in connection with  
19 science and technology policy issues.
- 20     (c) The council proposes to fund and administer, at no cost to  
21 the state, a Science and Technology Fellows Program in which,  
22 commencing in 2009, the council would place Ph.D.-level, or  
23 equivalent, scientists, engineers, and other experts in legislative  
24 offices for the purpose of furnishing Members, committees, and  
25 legislative staff with nonpartisan advice in connection with science  
26 and technology-related legislation.
- 27     (d) The Science and Technology Fellows Program would be  
28 modeled after the 35-year-old Science and Technology Policy  
29 Fellowships Program administered for the benefit of the United  
30 States Congress by the American Association for the Advancement  
31 of Science, an international nonprofit organization dedicated to  
32 advancing science around the world for societal benefit.
- 33     (e) The council's Science and Technology Fellows Program  
34 would be the first program in the nation that places Ph.D.-level,

1 or equivalent, science and technology experts in state legislative  
2 offices through a formal fellowship program.

3 (f) Given that California's legislators must address multifaceted  
4 policy issues with increasingly complex and interrelated  
5 components based on science and technology, including, but not  
6 limited to, biotechnology, nanotechnology, energy, water,  
7 transportation, and health care, it is vitally important that the  
8 Members receive the benefit of nonpartisan advice from science  
9 and technology experts so that the Legislature may make informed  
10 decisions on those issues.

11 (g) It is the intent of the Legislature in enacting this act to clarify  
12 that a Member of the Legislature, in receiving the benefit of the  
13 services of a Science and Technology Fellow furnished by the  
14 council, is not receiving compensation, a reward, or a gift for  
15 purposes of the code of ethics contained in Article 2 (commencing  
16 with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2  
17 of the Government Code; and it is the further intent of the  
18 Legislature to provide that a Science and Technology Fellow  
19 furnished by the council is not an employee of either house of the  
20 Legislature for purposes of that code of ethics and is not otherwise  
21 subject to the provisions of that code of ethics.

22 SEC. 2. Section 8924.5 is added to the Government Code, to  
23 read:

24 8924.5. (a) The services of a legislative fellow furnished by  
25 the California Council on Science and Technology and duly  
26 authorized by the Senate Committee on Rules, the Assembly  
27 Committee on Rules, or the Joint Committee on Rules is not  
28 compensation, a reward, or a gift to a Member of the Legislature  
29 for purposes of this article.

30 (b) A legislative fellow furnished by the California Council on  
31 Science and Technology and duly authorized by the Senate  
32 Committee on Rules, the Assembly Committee on Rules, or the  
33 Joint Committee on Rules is not an employee of either house of  
34 the Legislature for purposes of this article and is not otherwise  
35 subject to the provisions of this article.

36 SEC. 3. This act is an urgency statute necessary for the  
37 immediate preservation of the public peace, health, or safety within  
38 the meaning of Article IV of the Constitution and shall go into  
39 immediate effect. The facts constituting the necessity are:

1 In order for the Legislature to begin receiving the benefit of the  
2 expert advice of legislative fellows furnished by the California  
3 Council on Science and Technology as soon as possible so that  
4 the Legislature may make informed decisions on the various urgent  
5 science and technology issues confronting the state, it is necessary  
6 that this act take effect immediately.

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